
By: **Delegates Zirkin, Burns, Jones, Morhaim, Nathan-Pulliam, and O'Donnell**

Introduced and read first time: February 6, 2003

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Juvenile Causes - Children in Out-of-Home Placement - Uniform System of**
3 **Outcomes Evaluation**

4 FOR the purpose of requiring the Department of Juvenile Justice, the Department of
5 Human Resources, the Department of Health and Mental Hygiene, and the
6 State Department of Education to develop, test, and implement a certain
7 systematic evaluation of services provided to children in out-of-home
8 placement; providing for the Department of Juvenile Justice to serve as the lead
9 agency to develop the uniform system of outcomes evaluation; providing for the
10 Department of Human Resources, the Department of Health and Mental
11 Hygiene, and the State Department of Education to serve as cooperating
12 departments; establishing the purpose of the system as a method of evaluating
13 the value of services to children in out-of-home placement and the resulting
14 outcomes for the children; requiring the departments to consult with certain
15 resources in higher education in developing and implementing the system;
16 requiring the lead department to maintain the confidentiality of certain
17 personal information concerning children in out-of-home placement; requiring
18 the cooperating department to facilitate the participation of its residential
19 facilities and the facilities operated by private agencies with whom the
20 cooperating department contracts in providing necessary data to the system;
21 requiring the departments to meet certain completion and implementation goals
22 on or before certain dates; requiring the departments to submit certain reports
23 to the General Assembly on or before certain dates; requiring the cooperation of
24 certain departments in developing the system; defining certain terms; making a
25 stylistic change; and generally relating to developing a uniform system of
26 evaluating the performance of services to and resulting outcomes for children in
27 out-of-home placement.

28 BY adding to
29 Article 83C - Juvenile Justice
30 Section 2-125.1
31 Annotated Code of Maryland
32 (1998 Replacement Volume and 2002 Supplement)

1 BY adding to
2 Article - Education
3 Section 8-418
4 Annotated Code of Maryland
5 (2001 Replacement Volume and 2002 Supplement)

6 BY repealing and reenacting, without amendments,
7 Article - Family Law
8 Section 5-101 and 5-501(m), (n), and (o)
9 Annotated Code of Maryland
10 (1999 Replacement Volume and 2002 Supplement)

11 BY repealing and reenacting, with amendments,
12 Article - Family Law
13 Section 5-506
14 Annotated Code of Maryland
15 (1999 Replacement Volume and 2002 Supplement)

16 BY repealing and reenacting, without amendments,
17 Article - Health - General
18 Section 1-101(a), (c), and (j), 7-101(a), (b), (f), (h), and (p), 7-602, 10-101(a), (b),
19 (d), (e), (h), and (i), and 10-920
20 Annotated Code of Maryland
21 (2000 Replacement Volume and 2002 Supplement)

22 BY repealing and reenacting, with amendments,
23 Article - Health - General
24 Section 7-303 and 10-204
25 Annotated Code of Maryland
26 (2000 Replacement Volume and 2002 Supplement)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
28 MARYLAND, That the Laws of Maryland read as follows:

29 **Article 83C - Juvenile Justice**

30 2-125.1.

31 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
32 INDICATED.

33 (2) (I) "COOPERATING DEPARTMENT" MEANS EACH UNIT OF THE
34 STATE GOVERNMENT RESPONSIBLE FOR OUT-OF-HOME PLACEMENT OF CHILDREN.

1 (II) "COOPERATING DEPARTMENT" INCLUDES THE DEPARTMENT
2 OF HUMAN RESOURCES, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, THE
3 DEVELOPMENTAL DISABILITIES ADMINISTRATION, THE MENTAL HYGIENE
4 ADMINISTRATION, THE DEPARTMENT OF EDUCATION, AND THE DEPARTMENT OF
5 JUVENILE JUSTICE.

6 (3) "LEAD DEPARTMENT" MEANS THE DEPARTMENT OF JUVENILE
7 JUSTICE.

8 (4) (I) "OUT-OF-HOME PLACEMENT" MEANS:

9 1. THE REMOVAL OF A CHILD FROM THE CHILD'S FAMILY;
10 AND

11 2. THE PLACEMENT OF THE CHILD BY AN AUTHORIZED
12 AGENCY OR COURT IN A PUBLIC OR PRIVATE FACILITY OR WITH OTHER PERSONS
13 WHO ASSUME RESPONSIBILITY FOR THE DAILY CARE, SUPERVISION, TREATMENT,
14 AND EDUCATION OF THE CHILD.

15 (II) "OUT-OF-HOME PLACEMENT" INCLUDES FOSTER CARE,
16 RESIDENTIAL GROUP CARE, RESIDENTIAL TREATMENT CARE, A RESIDENTIAL
17 EDUCATION FACILITY, A PRIVATE THERAPEUTIC GROUP HOME, AND RESIDENTIAL
18 TREATMENT CARE.

19 (III) "OUT-OF-HOME PLACEMENT" DOES NOT INCLUDE KINSHIP
20 CARE.

21 (5) "SYSTEM FOR OUTCOMES EVALUATION" MEANS AN OBJECTIVE,
22 STANDARDIZED, AND UNIFORM METHOD OF MEASURING THE EFFECTIVENESS OF
23 PROGRAMS SERVING THE NEEDS OF CHILDREN IN OUT-OF-HOME PLACEMENT.

24 (B) (1) THE LEAD DEPARTMENT AND THE COOPERATING DEPARTMENTS
25 SHALL DEVELOP A SYSTEM FOR OUTCOMES EVALUATION.

26 (2) THE LEAD DEPARTMENT IS RESPONSIBLE FOR COORDINATING THE
27 PLANNING AND IMPLEMENTATION OF THE SYSTEM FOR OUTCOMES EVALUATION.

28 (3) THE SYSTEM FOR OUTCOMES EVALUATION SHALL BE DEVELOPED
29 TO ALLOW THE STATE TO:

30 (I) MONITOR THE CARE, SUPERVISION, EDUCATION, AND
31 TREATMENT IN STATE-OPERATED AND STATE-SUPPORTED PROGRAMS SO THAT
32 SUCCESSFUL SERVICES TO CHILDREN IN OUT-OF-HOME PLACEMENT CAN BE
33 EXPANDED AND SERVICES THAT DO NOT PRODUCE POSITIVE RESULTS CAN BE
34 IDENTIFIED;

35 (II) EVALUATE THE OUTCOMES OF THE CHILDREN AT 6- AND
36 12-MONTH INTERVALS FOLLOWING DISCHARGE FROM OUT-OF-HOME PLACEMENT
37 TO DETERMINE WHICH SERVICES BEST ENABLED THE CHILDREN TO MAINTAIN

1 HEALTHY FUNCTIONING IN THEIR COMMUNITY AND STAY OUT OF THE JUVENILE
2 JUSTICE SYSTEM; AND

3 (III) EFFECTIVELY ALLOCATE ITS RESOURCES, BASED ON
4 DEMONSTRATED OUTCOMES.

5 (C) (1) THE SYSTEM OF OUTCOMES EVALUATION SHALL USE MEASURES OF
6 FUNCTION TO EVALUATE THE CHILD'S:

7 (I) PROTECTION FROM HARM WHILE IN OUT-OF-HOME
8 PLACEMENT;

9 (II) STABILITY OF LIVING ENVIRONMENT;

10 (III) FAMILY SITUATION AND EFFORTS TO TREAT AND COUNSEL
11 THE FAMILY UNIT;

12 (IV) EDUCATIONAL OR VOCATIONAL DEVELOPMENT;

13 (V) JOB SKILLS AND EMPLOYMENT READINESS;

14 (VI) CESSATION OF DRUG AND ALCOHOL ABUSE;

15 (VII) LEARNING TO NOT BE AGGRESSIVE; AND

16 (VIII) DELINQUENCY STATUS.

17 (2) THE LEAD DEPARTMENT AND COOPERATING DEPARTMENTS SHALL
18 CONSULT WITH THE UNIVERSITY OF MARYLAND SCHOOL OF SOCIAL WORK IN
19 DEVELOPING AND IMPLEMENTING THE SYSTEM OF OUTCOMES EVALUATION.

20 (3) THE LEAD DEPARTMENT SHALL ASSURE THAT THE CENTRALIZED
21 DATABASE USED IN THE SYSTEM MAINTAINS CONFIDENTIALITY OF INFORMATION
22 ON THE CHILDREN FROM THE COOPERATING DEPARTMENTS.

23 (D) (1) A COOPERATING DEPARTMENT SHALL FACILITATE THE
24 PARTICIPATION OF RESIDENTIAL FACILITIES OPERATED BY THE DEPARTMENT OR
25 PRIVATE AGENCIES WITH WHICH A DEPARTMENT HAS A CONTRACT FOR THE
26 PLACEMENT OF CHILDREN IN OUT-OF-HOME CARE.

27 (2) A COOPERATING DEPARTMENT SHALL INCLUDE IN ITS CONTRACT
28 WITH A PRIVATE LICENSED OUT-OF-HOME PLACEMENT FACILITY PROVISIONS
29 REQUIRING THE FACILITY TO COLLECT AND REPORT TO THE DEPARTMENT:

30 (I) CHILD SPECIFIC DEMOGRAPHIC INFORMATION; AND

31 (II) DATA NECESSARY TO EVALUATE CHANGES IN FUNCTIONING
32 OF THE CHILD AS PROVIDED IN SUBSECTION (C) OF THIS SECTION.

33 (3) WHEN REPORTING DEMOGRAPHIC INFORMATION AND DATA UNDER
34 SUBSECTION (2) OF THIS SECTION, A COOPERATING DEPARTMENT SHALL:

1 (I) NOT DISCLOSE PERSONAL IDENTIFIERS; AND

2 (II) ENSURE THE CONFIDENTIALITY OF THE INFORMATION ABOUT
3 THE CHILDREN UNDER ITS RESPONSIBILITY.

4 (E) (1) ON OR BEFORE JULY 31, 2004, THE LEAD DEPARTMENT AND THE
5 COOPERATING DEPARTMENTS SHALL HAVE PLANNED AND DEVELOPED THE
6 UNIFORM SYSTEM FOR OUTCOMES EVALUATION.

7 (2) ON OR BEFORE JULY 31, 2005, THE LEAD DEPARTMENT AND THE
8 COOPERATING DEPARTMENTS SHALL TEST THE FUNCTIONALITY OF THE SYSTEM
9 DEVELOPED IN ACCORDANCE WITH SUBSECTION (C) AND MAKE NECESSARY
10 CHANGES TO ENSURE THE SYSTEM'S FUNCTIONALITY.

11 (3) ON OR BEFORE DECEMBER 31, 2007, THE LEAD DEPARTMENT AND
12 THE COOPERATING DEPARTMENTS SHALL ENSURE THAT ALL OUT-OF-HOME
13 PLACEMENT FACILITIES, INCLUDING RESIDENTIAL CHILD CARE FACILITIES AND
14 RESIDENTIAL TREATMENT CENTERS, PARTICIPATE IN THE UNIFORM SYSTEM FOR
15 OUTCOMES EVALUATION.

16 (F) THE GOVERNOR AND SECRETARY OF EACH COOPERATING DEPARTMENT
17 SHALL INCLUDE IN EACH YEAR'S BUDGET FOR THE DEPARTMENT THE FUNDS
18 REQUIRED TO PLAN, DEVELOP, TEST, AND IMPLEMENT THE SYSTEM OF OUTCOMES
19 EVALUATION.

20 (G) SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE, ON OR
21 BEFORE SEPTEMBER 1, 2003, AND ON OR BEFORE SEPTEMBER 1 OF EACH YEAR
22 THEREAFTER, THE LEAD DEPARTMENT AND THE COOPERATING DEPARTMENTS
23 SHALL SUBMIT A JOINT REPORT TO THE GENERAL ASSEMBLY ON THE PROGRESS OF
24 DEVELOPING, TESTING, AND IMPLEMENTING THE SYSTEM FOR OUTCOMES
25 EVALUATION FOR OUT-OF-HOME PLACEMENT OF CHILDREN.

26 **Article - Education**

27 8-418.

28 AS PROVIDED IN ARTICLE 83C, § 2-125.1 OF THE CODE, THE DEPARTMENT SHALL
29 COOPERATE IN DEVELOPING AND IMPLEMENTING A UNIFORM SYSTEM OF
30 EVALUATING THE SUCCESS OF SERVICES TO CHILDREN IN OUT-OF-HOME
31 PLACEMENT.

32 **Article - Family Law**

33 5-101.

34 In this title, "Department" means the Department of Human Resources.

1 5-501.

2 (m) "Out-of-home placement" means placement of a child into foster care,
3 kinship care, group care, or residential treatment care.

4 (n) "Residential educational facility" means:

5 (1) a facility that:

6 (i) provides special education and related services for students
7 with disabilities;

8 (ii) holds a certificate of approval issued by the State Board of
9 Education; and

10 (iii) provides continuous 24-hour care and supportive services to
11 children in a residential setting; or

12 (2) one of the following schools:

13 (i) the Benedictine School;

14 (ii) the Linwood School;

15 (iii) the Maryland School for the Blind; or

16 (iv) the Maryland School for the Deaf.

17 (o) "Residential treatment care" means continuous 24-hour care and
18 supportive services for a minor child placed in a facility that provides formal
19 programs of basic care, social work, and health care services.

20 5-506.

21 (a) The General Assembly intends that:

22 (1) all children whose care is the responsibility of this State shall have
23 similar protection in terms of health, safety, and quality of care; and

24 (2) the rules and regulations of agencies that are charged with child care
25 shall be comparable.

26 (b) In addition to other rules and regulations adopted under this title, the
27 Department may adopt rules and regulations to carry out §§ 5-507, 5-508, 5-509, and
28 5-509.1 of this subtitle, which relate to the licensing of child placement agencies,
29 child care homes, child care institutions, and residential educational facilities.

30 (c) (1) By rule or regulation, the Department may delegate authority to local
31 departments and licensed child placement agencies to issue licenses or approve
32 applicants for licenses under this subtitle.

1 (2) Any rule or regulation adopted by the Department under this
 2 subsection shall provide for an appeal to an administrative appellate authority from a
 3 decision of a local department or licensed child placement agency.

4 (d) (1) A child placement agency, child care home, child care institution, or
 5 residential educational facility may not be required to obtain a license from more
 6 than [1] ONE State agency.

7 (2) Any State agency authorized to license child placement agencies,
 8 child care homes, child care institutions, or residential educational facilities may
 9 make cooperative arrangements with any other State agency to give effect to
 10 paragraph (1) of this subsection.

11 (E) AS PROVIDED IN ARTICLE 83C, § 2-125.1 OF THE CODE, THE DEPARTMENT
 12 SHALL COOPERATE IN DEVELOPING AND IMPLEMENTING A UNIFORM SYSTEM OF
 13 EVALUATING THE SUCCESS OF SERVICES TO CHILDREN IN OUT-OF-HOME
 14 PLACEMENT.

15 **Article - Health - General**

16 1-101.

17 (a) In this article the following words have the meanings indicated.

18 (c) "Department" means the Department of Health and Mental Hygiene.

19 (j) "Secretary" means the Secretary of Health and Mental Hygiene.

20 7-101.

21 (a) In this title the following words have the meanings indicated.

22 (b) "Administration" means the Developmental Disabilities Administration.

23 (f) "Director" means the Director of the Developmental Disabilities
 24 Administration.

25 (h) "Group home" means a residence that:

26 (1) Provides residential services for individuals who, because of
 27 developmental disability, require specialized living arrangements;

28 (2) Admits at least 4 but not more than 8 individuals; and

29 (3) Provides 10 or more hours of supervision per home, per week.

30 (p) "State residential center" means a place that:

31 (1) Is owned and operated by this State;

1 (2) Provides residential services for individuals with mental retardation
2 and who, because of mental retardation, require specialized living arrangements; and

3 (3) Admits 9 or more individuals with mental retardation.

4 7-303.

5 (a) Through the Developmental Disabilities Administration, the Secretary
6 shall establish and carry out a State plan to provide the following training and
7 habilitation services:

8 (1) For individuals with developmental disability:

9 (i) Day habilitation services;

10 (ii) Family support services;

11 (iii) Individual support services;

12 (iv) Prevention and early detection of disabilities;

13 (v) Residential services in community-based settings;

14 (vi) Services coordination;

15 (vii) Services in State residential centers;

16 (viii) Services to insure protection of the individual rights and
17 liberties of individuals with developmental disability;

18 (ix) Vocational services;

19 (x) Community supported living arrangements services; and

20 (xi) Any other services that may be necessary to permit delivery of
21 the services under this subsection.

22 (2) For individuals without developmental disability, but who meet the
23 eligibility requirements of § 7-403 of this title, individual support services.

24 (b) The Secretary periodically shall revise the State plan, but not less than
25 every 2 years, to reflect changes in need, current available services, priorities, and
26 any other changes that may affect the need for or scope of care and services.

27 (C) AS PROVIDED IN ARTICLE 83C, § 2-125.1 OF THE CODE, THE DEPARTMENT
28 SHALL COOPERATE IN DEVELOPING AND IMPLEMENTING A UNIFORM SYSTEM OF
29 EVALUATING THE SUCCESS OF SERVICES TO CHILDREN IN OUT-OF-HOME
30 PLACEMENT.

1 7-602.

2 (a) In this subtitle the following words have the meanings indicated.

3 (b) "Private group home" means a group home that is not a public group home,
4 whether or not public funds are used to finance, wholly or partly, the acquisition,
5 construction, improvement, rehabilitation, maintenance, or operation of the group
6 home.

7 (c) "Public group home" means a group home that is owned by or leased to this
8 State or a political subdivision of this State, whether or not this group home is
9 maintained and operated by a private, nonprofit person.

10 10-101.

11 (a) In this title the following words have the meanings indicated.

12 (b) "Administration" means the Mental Hygiene Administration.

13 (d) "Director" means the Director of Mental Hygiene.

14 (e) (1) Except as otherwise provided in this title, "facility" means any public
15 or private clinic, hospital, or other institution that provides or purports to provide
16 treatment or other services for individuals who have mental disorders.

17 (2) "Facility" does not include a Veterans' Administration hospital.

18 (h) "State facility" means a facility that is owned or operated by the
19 Department.

20 (i) "Treatment" means any professional care or attention that is given in a
21 facility, private therapeutic group home for children and adolescents, or Veterans'
22 Administration hospital to improve or to prevent the worsening of a mental disorder.
23 10-204.

24 (a) The Director is responsible for carrying out the powers, duties, and
25 responsibilities of the Administration.

26 (b) The Director is responsible for supervising the custody, care, and
27 treatment of individuals who have mental disorders.

28 (c) (1) The Director shall:

29 (i) Organize and manage the Administration in a manner that will
30 enable it best to discharge its duties; and

31 (ii) Appoint the number of assistant directors and staff provided in
32 the State budget.

1 (2) The Director may remove an assistant director for incompetence or
2 misconduct.

3 (3) Unless expressly provided otherwise by law, the Director may assign
4 to any subordinate unit or individual in the Administration any function that is
5 imposed by law on the Director.

6 (d) (1) The Director shall submit to the Governor and the Secretary an
7 annual report on the activities of the Administration.

8 (2) The report shall be in the form and contain the information that the
9 Governor requires.

10 (e) (1) The Director shall provide facilities for the care and treatment of
11 individuals who have mental disorders.

12 (2) AS PROVIDED IN ARTICLE 83C, § 2-125.1 OF THE CODE, THE
13 DEPARTMENT SHALL COOPERATE IN DEVELOPING AND IMPLEMENTING A UNIFORM
14 SYSTEM OF EVALUATING THE SUCCESS OF SERVICES TO CHILDREN AND
15 ADOLESCENTS IN OUT-OF-HOME PLACEMENT.

16 (f) (1) The Director shall establish programs for research and development
17 of care and treatment for individuals who have mental disorders.

18 (2) The Director may provide money for a public or nonprofit
19 organization to carry out pilot or demonstration projects.

20 (g) The Director shall administer grants, gifts, trusts, and similar funds that
21 are available for use by the Administration.

22 10-920.

23 In Part IV of this subtitle "private therapeutic group home" means a small
24 private group home as defined in § 10-514(e) of this title that provides residential
25 child care, as well as access to a range of diagnostic and therapeutic mental health
26 services, to be identified under the requirements of § 10-924 of this article, for
27 children and adolescents who are in need of such treatments.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 June 1, 2003.